

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER NO. R5-2007-XXXX

REQUIRING THE WESTWOOD COMMUNITY SERVICES DISTRICT  
WASTEWATER TREATMENT PLANT  
LASSEN COUNTY  
TO  
CEASE AND DESIST  
FROM DISCHARGING CONTRARY TO REQUIREMENTS

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Water Board) finds:

1. The Westwood Community Services District (hereafter Discharger) operates a wastewater collection, treatment, and disposal system near the town of Westwood, Lassen County. Municipal wastewater is discharged to one of five facultative ponds located just north of Mountain Meadows Reservoir in Section 7, T28N, R9E, MDB&M. Surface water drainage in the area is to Mountain Meadows Reservoir which in turn discharges to Lake Almanor, approximately 5 miles to the west, via Hamilton Branch.
2. Waste Discharge Requirements Order No. 5-01-253 adopted by the Regional Board on 19 October 2001 prescribes requirements for the Discharger. Order No. 5-01-253 includes, in part, the following discharge requirements:

**A. Discharge Prohibitions:**

1. The direct discharge of wastes to surface waters or surface water drainage courses is prohibited.
2. The by-pass or overflow of untreated or partially treated waste is prohibited...

**B. Discharge Specifications:**

6. The discharge shall remain within the treatment ponds at all times...

\* \* \*

10. The Discharger shall maintain a minimum two feet of freeboard in the wastewater ponds at all times. The ponds shall have sufficient capacity to accommodate allowable wastewater flow and design seasonal precipitation and ancillary inflow/infiltration. Design seasonal precipitation shall be based on total annual precipitation using a return period of 100 years, distributed monthly in accordance with historical rainfall patterns."

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3. Monitoring reports for March and April of 2003 and March, April, and May of 2004 indicated inadequate pond freeboard. No discharges of wastewater were reported during these freeboard violations.
4. On 14 April 2005, the Discharger notified Regional Board staff that problems with inadequate freeboard were occurring and that the ponds were in danger of discharging. A site visit by Regional Board staff on 19 April 2005 confirmed the inadequate freeboard, as well as a recent small discharge from the ponds, as evidenced by a small area of a berm that had been recently repaired. To correct the freeboard problem, in the summer of 2005 the Discharger imported fill and raised the level of the pond berms approximately eighteen inches.
5. On 28 February 2006, the Discharger notified Regional Board staff of an incidence of inadequate freeboard and noted the ponds were again in danger of discharging. The ponds did not discharge during that time period, primarily due to cessation of precipitation, which reduced collection system infiltration and inflow (I/I).
6. Regional Board staff was again notified by the Discharger of freeboard problems and a potential for pond overflow in late March of 2006. A subsequent staff inspection on 27 March 2006 revealed a discharge of approximately 100 gallons per minute from the ponds toward the Union Pacific railroad tracks to the southeast. None of the ponds exhibited adequate freeboard at that time. Wastewater was discharging to a low-lying area bounded on the north by the Discharger's ponds, on the southwest by an existing berm, and on the southeast by the Union Pacific railroad tracks, which are elevated above natural grade by approximately six feet. No discharge to the Mountain Meadows Reservoir was observed during this inspection, but leakage of wastewater through the railroad bed to the reservoir may have occurred. The pond discharge continued for several days until the Discharger was able to repair the breached berm and pond water level receded.
7. Conversations with the Discharger during this inspection revealed that one of the lift stations in the collection system had been running continuously prior to the discharge. In addition, Regional Board staff observed that a portion of Westwood was affected by shallow saturated soil conditions, and several homeowners had installed pumps to dewater crawl spaces under their homes. This high groundwater was likely a significant contributor to the Discharger's (I/I) problems.
8. The original wastewater collection system for the treatment plant was installed in the early 1900s as part of the construction of the town of Westwood for sawmill worker housing; the collection system was constructed primarily of clay piping. Various upgrades were performed on the collection system from the 1960s to the 1990s. In the late 1990s, the Discharger obtained a Community Development Block Grant and Farmers Home Administration loan to in the amount of \$130,000 to complete rehabilitation of the entire collection system, including some house laterals and pump

replacement in all three collection system lift stations. In spite of this rehabilitation work, there may still be a significant I/I problem with the sewers, as evidenced by the chronic lack of pond freeboard.

9. Regional board staff review of discharger self-monitoring reports indicate that although the plant was experiencing severe problems maintaining freeboard, thought to be due to the aforementioned excessive I/I, the plant influent flow meter was not registering excessively high flows.

10. The Discharger has taken the following steps to reduce I/I:

Plugged a six inch abandoned line discharging to the collection system that is no longer connected to either residences or businesses. The line was apparently collecting large quantities of infiltration and discharging it to the sewer;

Identified 10 manholes that need sealing and has begun the sealing process. These manholes were identified in March and April of 2006;

Standard inspection of 4,000 feet of sewer line via video camera.

11. Section 13301 of the California Water Code states:

"When a regional board finds that a discharge of waste is taking place, or threatening to take place, in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action. In the event of an existing or threatened violation of waste discharge requirements in the operation of a community sewer system, cease and desist orders may restrict or prohibit the volume, type or concentration of waste that might be added to that system by dischargers who did not discharge into the system prior to the issuance of the cease and desist order. Cease and desist orders may be issued directly by the board, after notice of hearing."

12. Section 13267(b) of the California Water Code states:

"(1) In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste outside of its region that could affect the quality of waters of the state within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports

shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”

13. The Discharger owns and operates the treatment plant and collection system subject to this Cease and Desist Order. Monitoring reports and other technical reports are necessary to determine compliance with this Order.
14. The Regional Board's Water Quality Control Plan (Fourth Edition) for the Sacramento River and San Joaquin Basins (Basin Plan) establishes the beneficial uses of the waters of Lake Almanor, to which drainage in the Westwood treatment plant discharge area is tributary. The beneficial uses of Lake Almanor are: hydropower generation; water contact recreation; wildlife habitat; warm and cold freshwater habitat; and warm water fish spawning, reproduction, and/or early development.
15. Unless the collection system is repaired, upgraded or replaced, or other sources of inflow are discovered and reduced, violations of pond freeboard requirements, and potentially, pond overflows, will continue.
16. On 2/3 August 2007, in Rancho Cordova, California, after due notice to the Westwood Community Services District, and all other affected persons, the Regional Water Board conducted a public hearing at which information was received to consider a Cease and Desist Order.
17. The action to adopt a Cease and Desist Order is exempt from the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq.), in accordance with Section 15321, (a)(2), Title 14, of the California Code of Regulations.
18. Any person adversely affected by this action of the Regional Board may petition the State Board to review the action. The petition must be received by the State Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100 within 30 days of the date the Regional Board took action. Copies of the law and regulations applicable to filing petitions will be provided on request.

**IT IS HEREBY ORDERED** that, pursuant to Sections 13301 and 13267 of the California Water Code, the Westwood Community Services District shall implement certain measures, and identify and implement facility improvements, in accordance with the scope and schedule set forth below to ensure long term compliance with Waste Discharge Requirements Order No. 5-01-253, or any revisions to those Waste Discharge Requirements.

Each document submitted under this Order shall bear the following certification signed by the Discharger:

*"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."*

1. The Westwood Community Services District shall cease and desist forthwith from discharging waste in violation of Waste Discharge Requirements Order No. 5-01-253. "Forthwith" means as soon as reasonably possible.
2. The Westwood Community Services District shall submit an investigation report by **30 April 2008** prepared by a civil engineer registered in the State of California. The report shall:
  - a. Identify I/I problem areas within the collection system and recommend corrective actions to reduce excessive I/I.
  - b. Include an analysis of the accuracy of the pond influent flow meter. If the meter is found to be inaccurate, the Discharger shall provide a date by which the meter will be repaired or replaced.
  - c. Determine the volume of wastewater, including retort water, if any, being accepted into the ponds by the Discharger from the Ultra Power Co-generation facility, and whether that amount is adversely affecting the Discharger's ability to manage the ponds without violating waste discharge requirements. If the wastewater volume being accepted is a significant contributor to freeboard problems, provide a plan to reduce the wastewater volume to an acceptable amount or add capacity to the ponds.
  - d. Include a proposed time schedule for implementing recommended corrective actions. The proposed time schedule shall be subject to approval by the Executive Officer.
3. Address whether the ponds are taking on excessive groundwater if the work required in items 2a., 2b., and 2c. above cannot account for the chronic lack of pond freeboard. If necessary, a report on this investigation shall be submitted by **30 June 2008**. If the ponds are taking on excessive groundwater, provide a workplan describing corrective actions to be implemented with this report.
4. The Discharger shall submit quarterly reports to the Regional Board concerning progress towards achieving adequate reduction of I/I and corrective actions **implemented** to reduce I/I. Reports for each calendar quarter shall be due by the **15<sup>th</sup> of the month following each quarter**. The first quarterly report shall be due **15 July 2008**.

5. If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, then the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability. Under these circumstances, or if it becomes apparent that the District will require more than one year from the date of this order to obtain compliance with freeboard requirements, then the Executive Officer may consider the adoption of a connection ban prohibiting the addition of any new sources of wastewater discharge to the treatment plant in accordance with Section 13301 of the California Water Code. The Executive Officer may also consider the adoption of a connection ban if any new multi-family developments or new subdivisions are proposed for connection to the wastewater collection system and ponds.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on \_\_\_\_\_.

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PAMELA C. CREEDON, Executive Officer